

**FHWA POLICIES AND FUNDING PROGRAMS SUPPORTING  
ENVIRONMENTAL PROTECTION, MITIGATION, AND ENHANCEMENTS**  
(NYSDOT, July 21, 1999)

## Eligibility of Federal-aid for Environmental Initiatives

It is the Federal Highway Administration's policy to-

1. **Avoid, minimize, and mitigate** to the fullest extent possible the adverse effects of transportation programs and projects on the neighborhood, community, and natural resources.
- B. Seek opportunities to go beyond the traditional project mitigation efforts and implement **innovative enhancement measures** to help the project fit harmoniously within the community and natural environs.
- C. Participate, to the fullest extent permitted by law, in funding **mitigation and enhancement activities** required by Federal, State, and local statutes and regulations for project related impacts to the natural environment, neighborhoods, and communities.

Note that all activities that are approved mitigation as a result of the project development process under the National Environmental Policy Act are eligible for the class of federal-aid of the project. Mitigation outside of the project limits is encouraged when it is more cost effective than mitigation on-site and serves the same purpose.

Interstate Maintenance	IM	23 USC 119
National Highway System	NHS	23 USC 103(i)
Surface Transportation Program	STP	23 USC 133
Highway Bridge Replacement and Rehabilitation	HBRR	23 USC 144
Congestion Mitigation/Air Quality	CMAQ	23 USC 149

Below is a table of environmental activities that go beyond required mitigation, and the applicable federal funding categories which can be used to fund these activities.

Note: the explanation of each work type follows the table.

Environmental Initiative	Incidental to construction of an otherwise eligible federal-aid project	Stand Alone federal-aid project		WorkType
	Eligible Categories		Comments	
Mitigation of Water Pollution Due to Highway Runoff	All	STP only	NHS if maintaining natural habitat or wetland	1
Create Stormwater Management Structures	All	STP only		1

Bio-engineered Streambanks	All	All	Where needed to protect the stability of the highway	1
Specialized Water Quality Inlet Structures such as low flow fish channels	All	STP or NHS	As part of habitat improvement	1
Create, Conserve, and Restore Wetlands or other natural habitat	All	STP or NHS		2
Working with others to preserve important existing wetland sites	NA	NA		2
Protect Fish and Wildlife Habitat	All	STP or NHS		3
Boulders and Stone Weirs to improve fisheries habitat	All	STP or NHS		3
Culverts for Wildlife Crossings		STP or NHS		3
Plantings for Wildlife Habitat	All	STP or NHS		3
Bird nesting boxes or bat houses	All	No	Could be eligible as an incidental to a stand alone project to enhance wildlife habitat or wetland	3
Environmental Mitigation to reduce vehicle caused wildlife mortality while maintaining habitat connectivity Installation of fencing in critical wildlife crossing locations Construction of wildlife underpasses, wall openings, or culverts Construction of wildlife shelves under structures crossing streams Lower or enlarge culverts for fish passage	All	STP or NHS	Only in the context of safety for a stand alone project, can use STP if an endangered species	3
Historic Preservation of publically owned sites to be converted to public use	STP only	STP only	Remember, this is not <b>required</b> mitigation.	4
Rehabilitation and Restoration of Historic Transportation Structures	All	STP only	Could use NHS for a stand alone project for historic highways or bridges and HBRR for historic bridges	4
Rehabilitation of Historic Railroad Facilities, Canals, and Ferry Terminals	STP	STP	Could be NHS for ferry terminals	4
Archeological Planning and Research	NA	STP only	Remember, this is not <b>required</b> mitigation.	4
Establishment of Transportation-Related Museums	NA	STP only		5

Promote eco-tourism	STP only	STP only	Must be on a designated scenic byway. Could use other funds for other eligible activities listed in this table	5
New or Rehabilitated fishing access	NHS or STP, IM only to rehab.	STP only		5
Trail head parking areas	All	STP		5
Historic Markers and other interpretive signing	All	STP only	STP as a stand alone only on designated scenic byways	5
Promoting State bike routes and greenways	NA	None	STP only on a designated byway	5
Community friendly signals and signs	All	STP or NHS	Must conform to the MUTCD	5,6
Provision of facilities for bicycles and pedestrians Includes adding or improving bike lanes, adding or improving road shoulders, widening curb lanes, providing bike lockers, bike racks, or other bike parking facilities at inter-modal points	All	STP, NHS, or CMAQ	IM cannot be used to add a facility	6
Safety and Educational Activities for Bicycles and Pedestrian	STP, CMAQ	STP, CMAQ		5,6
Scenic or Historic Highway Programs, and Provision of Tourist and Welcome Center Facilities				
Installation of interpretive plaques, signs, aesthetic guiderails	All	STP	Could be IM or NHS for guiderails	5
Restoration of historic highway-related features such as lighting, sidewalks, retaining walls, or historic markers	All	STP or NHS	Not NHS for stand alone project to install historic markers	6
Construction of tourist and welcome centers related to scenic or historical sites	All	STP or NHS	For NHS, has to be linked to a safety rest area	5
Development of scenic overlooks	All	STP or NHS	For NHS, has to be linked to a safety rest area	5
Reforestation of slopes along a scenic/historic highway corridors	All	STP, IM, NHS		6
Development of corridor management plans on a designated scenic byway	NA	STP only		5
Acquisition of Scenic Easements	All	STP only		6

Landscaping and other Scenic beautification Linear highway landscaping, landscaping at interchanges, noise barriers, reintroduction of native or endangered plants, wildflower planting, re-establishment of trees in historic districts	All	STP or NHS		6
Streetscape features including lighting, sidewalk pavers, benches, planting containers, decorative walls and walkways, signs, public art, historical markers, etc.	All	STP	Can use NHS for a stand alone project for pedestrian facilities and any incidentals to that project such as streetscape features	6
Parking Facilities for safety or community development (Off street parking)	All	STP or NHS	Must improve highway or pedestrian safety/operations	6
Preservation of Abandoned Railway Corridors, including conversion and use for Pedestrian and Bicycle Trails	STP only	STP only		6
Control and Removal of Outdoor Advertising	IM, NHS, or STP	STP or NHS	Has to be a controlled Route, see your real estate officer	6
Increase Maintenance on existing facilities	NA	NA	See element specific work for eligible maintenance activities using federal aid (EB 96-034)	
Additional acquisitions to improve pedestrian circulation	All	STP or NHS		6
Increase turf and plantings in median areas	All	No		6
Screen maintenance yards	All	STP or NHS		6
Improve the appearance of construction related storage areas	All	NA		6
Increase the use of recycled materials	All	NA		7
Use tires in highway embankments	All	NA		7
Use glass plastics and aggregate in pavements	All	NA		7
Use plastic rubber and aggregate in noise walls	All	NHS or STP	If noise walls are eligible, this activity is also	7
Use salt and sand for highway deicing more judiciously by utilizing other deicing agents which are less environmentally damaging	STP only	STP only		8
Clean up wastes previously generated at DOT projects and facilities	All	No		8
Improve air quality	All	CMAQ	Possibility of eligibility under other funding	9

Implement Transportation Demand Management practices	All	STP, NHS, or CMAQ		9
Expand Ozone alert day initiatives	CMAQ only	CMAQ only		9
Promote alternative fueled vehicles	CMAQ only	CMAQ only		9
Support mass transit such as park-n-ride lots, bus turnouts, etc...	All	STP, NHS, or CMAQ		9
Signal Conversion from fixed time to traffic actuated	All	STP, NHS, or CMAQ		9
Parking Facilities: Intermodal/Demand management such as fringe (transit) or corridor (car pool transit)	All	STP, NHS or CMAQ		6,9
Combine local enhancement projects with ongoing DOT projects	STP only	STP only	Could qualify for other funds according to this table	any

For any other Environmental Initiative not listed in the table, or for more information, please contact the Federal Highway Administration's New York Division Office at (518) 431-4125.

**Work Types in the above table which should be used to identify Environmental Initiative project work:**

- 1) {Water Quality} Improvements
- 2) {Wetlands} Creation, Restoration or Enhancement
- 3) {Fish and Wildlife} Habitat Improvements
- 4) {Historic/Cultural Resources} Preservation and Enhancement
- 5) {Eco-Tourism} and Public Access Improvements
- 6) {Corridor Enhancements} Landscaping/Streetscape Enhancements
- 7) {Recycling and Reducing} materials and emissions
- 8) {Remediating} Contamination
- 9) {Air Quality} Improvements

1) **Water Quality** - Any project or work activity that improves existing or future biological or chemical quality of a water resource, including streams, rivers, wetlands, drinking water sources, and highway/stormwater runoff. Water quality can be improved by preventing or removing sediments and pollutants; retrofitting highway drainage systems; installing stormwater treatment facilities; preventing or reducing erosion through bioengineering, best management practices (BMP's) use, or training in BMP's and facilities design and installation.

2) **Wetlands** - Creating, restoring or enhancing wetland beyond the minimum required in State and federal wetland permits. The creation of new wetland acreage is one form of mitigation for past wetland impacts in which an upland area is converted, typically by excavation or damming, to a flooded or moist soil condition where wetland vegetation, soil, and hydrology will persist. Restoration and enhancement may include adjusting water flow or level onsite, additional planting or seeding with wetland vegetation, improving habitats and vegetation covertype diversity within the wetland, removing invasive plant species, or acquiring regionally important wetland areas for preservation purposes.

3) **Fish and Wildlife** - Habitat enhancements made to improve the life of wildlife, including planting specialized food and cover crops along highway corridors, protecting and managing specific habitats deemed valuable to target wildlife species (endangered species), providing wildlife crossings under highways and providing nest boxes and various refuge for wildlife. Fisheries habitat can be enhanced by bioengineering of streambanks and placement of in-stream structures such as boulders and weirs for diversity of cover and nesting sites.

4) **Historic/Cultural Resources** - An activity that preserves or enhances the historic or cultural heritage of New York State. DOT is in a unique position to incorporate protection of these resources into projects by preserving historic structures, acquiring or stabilizing archaeological sites, supporting archaeological excavations, developing interpretive programs for archaeological and cultural sites, providing street ambience enhancements (such as period lighting fixtures, bollards, benches, and pavers) and adding additional historic markers and interpretive signs.

5) **Ecotourism** - A project enhancement that promotes the use, enjoyment and appreciation of the natural and man-made resources of the State. Ecotourism can be encouraged in highway work projects by simply improving the appearance of roadsides and entrances to natural and cultural features. This can be accomplished by providing new or rehabilitated fishing and boating access and parking, promoting state bike routes and greenways, improving trailhead parking and facilities, and upgrading scenic overlooks and acquisition of scenic easements. Placement of landmark and interpretive signs or identification of important waterways, watersheds and habitats are also potential accomplishments toward increasing ecotourism in New York State.

6) **Corridor Enhancements** - Any additions to DOT projects that enhance the visual, aesthetic, and natural character of the roadside or streetscape. These enhancements may include increasing wildflower and roadside plantings, constructing noise barriers, adding landscaping to enhance the appearance of noise barriers, providing streetscape amenities (such as benches, lighting fixtures, decorative pavers), re-establishing street trees, rehabilitating comfort stations and rest areas, incorporating traffic calming features, as well as promoting State bike routes and greenways.

7) **Recycling and Reducing Waste/Emission** - Any project that includes innovative ways to utilize recycled materials, reduce waste generated by DOT, or reduce hazardous substance use. In dealing with solid waste, DOT projects may promote the use of recycled tires in highway embankments, recycled glass, plastics and aggregate in pavement mixes and recycled plastic, rubber and aggregate in noise walls. DOT may minimize herbicide applications and sweep roadsides better and more often and develop innovative use of salt/sand and other ice removal substances.

8) **Remediating Contamination** - Any project that includes innovative ways to clean up contamination, either previously generated by DOT projects or at DOT facilities or present along DOT Right-of-Way. Whenever possible, promote activities to support brownfield development.

9) **Air Quality** - Project elements incorporated to reduce emission levels, resulting in cleaner air. These project enhancements are aimed primarily at reducing single-occupancy vehicles (SOV's). Initiatives that will reduce these emissions include support for mass transit, expanding Ozone Alert Day initiatives, promoting the use of alternative fuel vehicles, encouraging alternatives to SOV's, implementing Transportation Demand Management practices, providing facilities for pedestrians and bicyclists, and replacing fixed-time traffic signals with vehicle-actuated signals, when appropriate.